

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Alexandria Division

IN RE

WAYNE GARLAND SCOTT, JR.  
ERICA NICOLE SCOTT

Debtors

Case No. 13-14332-BFK  
Chapter 13

GREEN TREE SERVICING LLC  
1400 Turbine Drive  
Suite 200  
Rapid City, SD 57703

Movant  
v.

ERICA NICOLE SCOTT  
WAYNE GARLAND SCOTT, JR.  
15422 Overlook Court  
Culpeper, VA 22701

Respondents

Motion No.

**MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Green Tree Servicing LLC, its successors and/or assigns, movant, by its attorneys, Mark D. Meyer, Esq., and Rosenberg & Associates, LLC, and respectfully represents as follows:

1. Jurisdiction is based on 11 U.S.C. Section 362(d)-(f).

2. On or about September 24, 2013, Wayne Garland Scott, Jr. and Erica Nicole Scott ("Debtors") filed a Voluntary Petition in the Court under Chapter 13 of the Bankruptcy Code.

3. Thomas P. Gorman is the Chapter 13 trustee of the Debtors' estate.

4. At the time of the initiation of these proceedings, the Debtors owned a parcel of fee simple real estate improved by a residence with a legal description of "Parcel of land with all improvements, Catalpa Magisterial District, Culpeper Cnty, VA in Deed Book 215 at Page 5" also known as 12408 Eggbornsville Road, Culpeper, VA 22701 (hereinafter "the subject property").

5. The subject property is encumbered by a Deed of Trust securing the note, which is currently held by the movant. The documents evidencing the movant's security interest are attached hereto.

MARK MEYER

DC BAR 475552  
MD BAR 15070  
VA BAR 74290

ROSENBERG &  
ASSOCIATES, LLC  
7910 WOODMONT AVENUE  
SUITE 750

BETHESDA, MARYLAND 20814  
(301) 907-8000

FILE NUMBER: 28962

6. The total amount due under the Deed of Trust securing the Movant as of December 30, 2013, including attorney's fees and court costs, is approximately \$166,682.25.

7. The Debtors are in default under the Deed of Trust, and the Movant has accelerated the entire balance of the Note and Mortgage and interest continues to accrue.

8. The Debtors have not made post-petition payments for the months of October 1, 2013 to December 1, 2013, and equity in the Debtors' residence is dissipating.

9. The Movant lacks adequate protection of its interest in the subject property.

10. The Movant has been and continues to be irreparably injured by the stay of Section 362 of the Bankruptcy Code, which prevents the Movant from enforcing its rights under the Note and Deed of Trust.

11. Cause exists for lifting the automatic stay imposed by Section 362 of the Bankruptcy Code to enable the Movant to enforce its rights under its Note and Deed of Trust.

WHEREFORE, the Movant, Green Tree Servicing LLC its successors and/or assigns, respectfully requests that this Honorable Court:

1. Enter an order terminating the automatic stay imposed by Section 362 of the Bankruptcy Code to enable it to proceed with a foreclosure sale of the real property and improvements located at 12408 Eggbornsville Road, Culpeper, VA 22701; and

2. Grant such other and further relief as may be just and necessary.

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.

Rosenberg & Associates, LLC

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Bethesda, Maryland 20814

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 30, 2013, a copy of the foregoing Motion for Relief from the Automatic Stay was mailed, first class postage prepaid, upon the following who were not served electronically:

Erica Nicole Scott  
15422 Overlook Court  
Culpeper, VA 22701

Thomas P. Gorman, Trustee  
300 North Washington Street  
Suite 400  
Alexandria, VA 22314

Wayne Garland Scott, Jr.  
15422 Overlook Court  
Culpeper, VA 22701

Ann M. Callaway, Esquire  
Ann M. Callaway, PC  
15 Garrett Street, Warrenton VA 20186

/s/ Mark D. Meyer, Esq.

Mark D. Meyer, Esq.

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